

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the )  
natural parent and guardian of J.I., JUWAN )  
HARRINGTON, CYDNEEA )  
HARRINGTON, KENYA WALTON, )  
individually and as the natural parent and )  
guardian of R.W., ZIYEL WHITLEY, )  
DYAMOND WHITLEY, KAMISHA )  
WHITLEY, NANETTA GRANT as the )  
natural parent and guardian of Z.G., and )  
EMANCIPATE NC, INC., )

Plaintiffs, )

v. )

THE CITY OF RALEIGH, OFFICER OMAR )  
I. ABDULLAH, SERGEANT WILLIAM )  
ROLFE, OFFICER RISHAR PIERRE )  
MONROE, OFFICER JULIEN DAVID )  
RATTELADE, OFFICER MEGHAN )  
CAROLINE GAY, JOHN and JANE DOE )  
OFFICERS 1-10, in their individual )  
capacities, Chief of Police ESTELLA )  
PATTERSON, and City Manager )  
MARCHELL ADAMS-DAVID, in their )  
official capacities, )

Defendants. )

**CITY OF RALEIGH'S MOTION TO  
EXTEND TIME TO ANSWER OR  
OTHERWISE PLEAD IN RESPONSE  
TO PLAINTIFFS' AMENDED  
COMPLAINT**

Defendant City of Raleigh moves the Court, pursuant to Fed. R. Civ. P. 6(b) and Local Civil Rule 6.1, for an extension of time to file and serve an answer, pleadings, or motions in response to Plaintiffs' Amended Complaint. In support of this motion, the City respectfully shows the Court the following:

1. Plaintiffs, except for Emancipate NC, Inc., filed their original Complaint [D.E. 2] on February 22, 2022.

2. The City waived service of summons on March 1, 2022 [D.E. 10] and filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) [D.E. 32] on April 29, 2022.

3. Plaintiffs filed their Amended Complaint on May 16, 2022, adding additional parties to this action: Plaintiff Emancipate NC, Inc. and Defendants Raleigh Police Chief Estella Patterson and Raleigh City Manager Marchell Adams-David in their official capacities only. Plaintiffs also made substantive changes to the original Complaint including additional allegations and claims against the City and the new official capacity defendants.

4. Rule 15(a)(3) establishes a 14-day deadline for a defendant to respond to an amended complaint. The City requires additional time beyond those fourteen days to respond to Plaintiffs' Amended Complaint. Accordingly, the City respectfully requests a thirty (30) day extension to the current deadline, which would allow Defendants through and including Thursday, June 30, 2022, to file an answer or otherwise plead in response to Plaintiffs' Amended Complaint.

5. This Motion is being filed in good faith and not for the purpose of delaying this action. No scheduling order has yet been entered. As such, granting this motion will not interfere with any scheduled deadline.

6. Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for the City consulted with counsel for Plaintiffs regarding Plaintiffs' position on this motion. Plaintiffs have consented to an extension of time to June 30, 2022 for all Defendants to plead in response to their Amended Complaint, including the Defendant City of Raleigh.

7. The City respectfully submits that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Defendant City of Raleigh moves the Court for a thirty (30) day extension of time to file an answer or otherwise plead in response to Plaintiffs' Amended Complaint, until and including **Thursday, June 30, 2022**.

This the 25<sup>th</sup> day of May, 2022.

**CITY OF RALEIGH**  
**Robin L. Tatum, City Attorney**

By: /s/ Dorothy V. Kibler  
DOROTHY V. KIBLER  
Deputy City Attorney  
N.C. Bar No. 13751  
P.O. Box 590  
Raleigh, NC 27602  
Tel: (919) 996-6560  
Fax: (919) 996-7021  
Dorothy.Kibler@raleighnc.gov  
ATTORNEYS FOR DEFENDANT CITY OF  
RALEIGH

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the )  
natural parent and guardian of J.I., JUWAN )  
HARRINGTON, CYDNEEA )  
HARRINGTON, KENYA WALTON, )  
individually and as the natural parent and )  
guardian of R.W., ZIYEL WHITLEY, )  
DYAMOND WHITLEY, KAMISHA )  
WHITLEY, NANETTA GRANT as the )  
natural parent and guardian of Z.G., and )  
EMANCIPATE NC, INC., )

Plaintiffs, )

v. )

THE CITY OF RALEIGH, OFFICER OMAR )  
I. ABDULLAH, SERGEANT WILLIAM )  
ROLFE, OFFICER RISHAR PIERRE )  
MONROE, OFFICER JULIEN DAVID )  
RATTELADE, OFFICER MEGHAN )  
CAROLINE GAY, JOHN and JANE DOE )  
OFFICERS 1-10, in their individual )  
capacities, Chief of Police ESTELLA )  
PATTERSON, and City Manager )  
MARCHELL ADAMS-DAVID, in their )  
official capacities,

Defendants. )

**CERTIFICATE OF SERVICE**

I hereby certify that on May 25, 2022, I electronically filed the foregoing Motion to Extend Time with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

Abraham Rubert-Schewel  
TIN FULTON WALKER & OWEN,  
PLLC  
119 East Main Street  
Durham, NC 27701  
(919) 451-9216 phone  
(718) 709-7612 fax  
Email: schewel@tinfulton.com  
*Attorneys for Plaintiff*

Emily Gladden  
TIN FULTON WALKER & OWEN,  
PLLC  
204 N. Person Street  
Raleigh, NC 27601  
(919) 720-4201 phone  
(919) 720-4640 fax  
Email: egladden@tinfulton.com  
*Attorneys for Plaintiff*

Micheal Littlejohn, Jr.  
LITTLEJOHN LAW, PLLC  
227 W. 4<sup>th</sup> Street, Ste. B-113  
Charlotte, NC 28202  
(704) 322-4581 phone  
(704) 625-9396 fax  
Email: mll@littlejohn-law.com  
*Attorneys for Plaintiff*

Ian Mance  
Elizabeth Simpson  
EMANCIPATE NC  
P.O. Box 309  
Durham, NC 27702  
(828) 719-5755 phone  
Email: ian@emancipatenc.org  
elizabeth@emancipatenc.org  
*Attorneys for Plaintiff*

Jason R. Benton  
PARKER POE ADAMS & BERNSTEIN,  
LLP  
620 South Tryon Street, Suite 800  
Charlotte, NC 28202  
Office: 704.335.9509  
Fax: 704.335.9747  
Email: jasonbenton@parkerpoe.com  
*Attorneys for Mr. Abdullah*

Norwood P. Blanchard, III  
CROSSLEY McINTOSH COLLIER &  
EDES, PLLC  
5002 Randall Parkway  
Wilmington, NC 28403  
Tel. (910) 762-9711  
Fax. (910) 256-0310  
Email: norwood@cmclawfirm.com  
*Attorneys for RPD Sergeant Rolfe*

Rodney E. Pettey  
Samuel G. Thompson, Jr.  
YATES MCLAMB & WEYHER, L.L.P.  
Post Office Box 2889  
Raleigh, N.C. 27602  
Email: rpettey@ymwlaw.com  
bthompson@ymwlaw.com  
*Attorneys for RPD Detectives Monroe,  
Rattelade, and Gay*

Respectfully submitted,

**CITY OF RALEIGH**  
**Robin L. Tatum, City Attorney**

By: /s/ Dorothy V. Kibler  
Dorothy V. Kibler  
Deputy City Attorney  
N.C. Bar No. 13571  
P.O. Box 590  
Raleigh, NC 27602  
Tel: (919) 996-6560  
Fax: (919) 996-7021  
Dorothy.Kibler@raleighnc.gov  
ATTORNEYS FOR DEFENDANT CITY  
OF RALEIGH